IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE SW/Corner Ingleside Avenue and \* DEPUTY ZONING COMMISSIONER Oak Grove Avenue (215 Ingleside Avenue) \* OF BALTIMORE COUNTY 1st Election District lst Councilmanic District \* Case No. 92-267-A Helen Hamilton Pfaeffle and Margaret Hamilton -

Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located outside of the third of the lot farthest removed from any street, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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MERCHER !

RE-EMBERACOD CAR BEGIN.

92-267-A

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $\frac{ff}{2}$  day of February, 1992 that the Petition for Residential Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located outside of the third of the lot farthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facil-

3) There shall be no service garage work performed on the subject property.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

- 2-

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-267-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) NOW FRAME PROPERTY. That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this A day of Junuary, 19 92, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and betief.

AS WITNESS my hand and Notarial Seal.

**AFFIDAVIT** 

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

February 19, 1992

(410) 887-4386

Ms. Helen Hamilton Pfaeffle Ms. Margaret Hamilton 215 Ingleside Avenue Catonsville, Maryland 21228

RE: PETITION FOR RESIDENTIAL VARIANCE SW/Corner Ingleside Avenue and Oak Grove Avenue (215 Ingleside Avenue) 1st Election District - 1st Councilmanic District Helen Hamilton Pfaeffle and Margaret Hamilton - Petitioners Case No. 92-267-A

Dear Ms. Pfaeffle and Ms. Hamilton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours. du the Kolovoes TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

> > 750

92-267-A

ZONING DESCRIPTION

South 14 degrees 28 minutes 56 seconds East, a distance of

seconds west, a distance of 95.00 feet, North 76 degrees 16 minutes 04 seconds East, a distance of 105.00 feet, to the

95.00 feet , South 76 degrees 16 minutes 04 seconds West, adistance of 105.00 feet, North 14 degrees 28 minutes 56

western right-of-way line of Ingleside Avenue with the

southern right-of-way of Oak Grove Avenue.

Beginning at the point set at the intersection of the

As recorded in Deed Liber S.M. No. 7814, Folio No. 104.

TMK:bjs

cc: People's Counsel

File

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section\_\_\_\_

400.1 To permit an accessory structure (garaged to be located outside of the third of the lot farthest removed from any street.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty) PLLASE SEE ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for

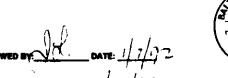
I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition. Contract Purchaser: (type or print name) (type or print name) ( Signature) MINIKOTIKE AMINITATOR missiant Monuella Attorney for Petitioner:

STATE OF MUE (SEN) 758-1658 A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED

Name, address and phone number of gener, contract purchaser or

MICHARCE IT PRITE

by the Zoning Commissioner Of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



ZONING COMMISSIONER OF BALTIMORE COUNTY

(410) 887-3353



January 21, 1992

111 West Chesapeake Avenue Towson, MD 2120+

> Helen Hamilton Pfaeffle, Margaret Hamilton, Michael Pfaeffle 215 Ingleside Avenue

Catonsville, Maryland 21228

Re: CASE NUMBER: 92-267-A LOCATION: SMC Ingleside Avenue and Oak Grove Avenue 215 Ingleside Avenue 1st Election District - 1st Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 26, 1992. The closing date is February 10, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

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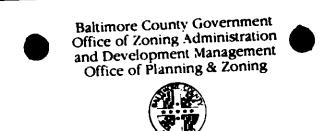
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111 West Chesapeake Avenue Towson, MD 21204

January 28, 1992

(410) 887-3353

Ms. Helen Hamilton Pfaeffle 215 Ingleside Avneue Catonsville, MD 21228

RE: Item No. 292, Case No. 92-267-A Petitioner: Helen Hamilton Pfaeffle Petition for Administrative Variance

## Dear Ms. Pfaeffle:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Date: January 28, 1992

are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

JAMES E. DYER

Enclosures

Zoning Plans Advisory Committe Coments

Anyone using this system should be fully aware that they

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Your petition has been received and accepted for filing this 7th day of January, 1992.

Zoning Plans Advisory Committee

Petitioner: Helen Hamilton Pfaeffle, et al Petitioner's Attorney:

**Baltimore County Government** Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

JANUARY 15, 1992

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: HELEN HAMILTON PFAEFFLE AND MARGARET HAMILTON

Location:

#215 INGLESIDE AVENUE

Item No.: 282

Zoning Agenda: JANUARY 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: A Planning Group Approved Noted and

Fire Prevention Bureau Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 28, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for January 21, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 282 and 283.

For Item 284, a County Review Group Meeting will be required.

For Items 287 and 288, the previous County Review Group Comments still remain valid.

Developers Engineering Division

ITEM282/TXTROZ

Feb 10 92-267-A

GLK/JL:rdn

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE COTRESPONDED

TO: Arnold Jablon, Director Zoning Administration and Development Management

Gary L. Kerns, Chief Comprehensive and Community Planning Office of Planning and Zoning

SUBJECT: Pfaeffle/Hamilton Property, Item No. 282

In reference to the Petitioner's request, staff offers the following comments:

Staff supports the applicants request provided that the side yard setback for the proposed garage is increased to 12 ft in lieu of 3 ft as indicated on the plat accompanying the Petition.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

1 may 2 may

12-2111-A 2-10

PUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: February 6, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

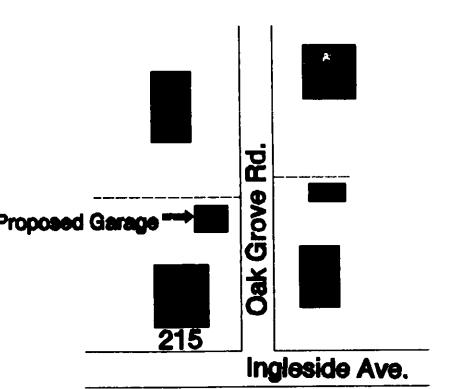
Z.A.C. MEETING DATE: January 21, 1992

This office has no comments for item numbers 282, 283 and 287.

Traffic Engineer II

RJF/lvd

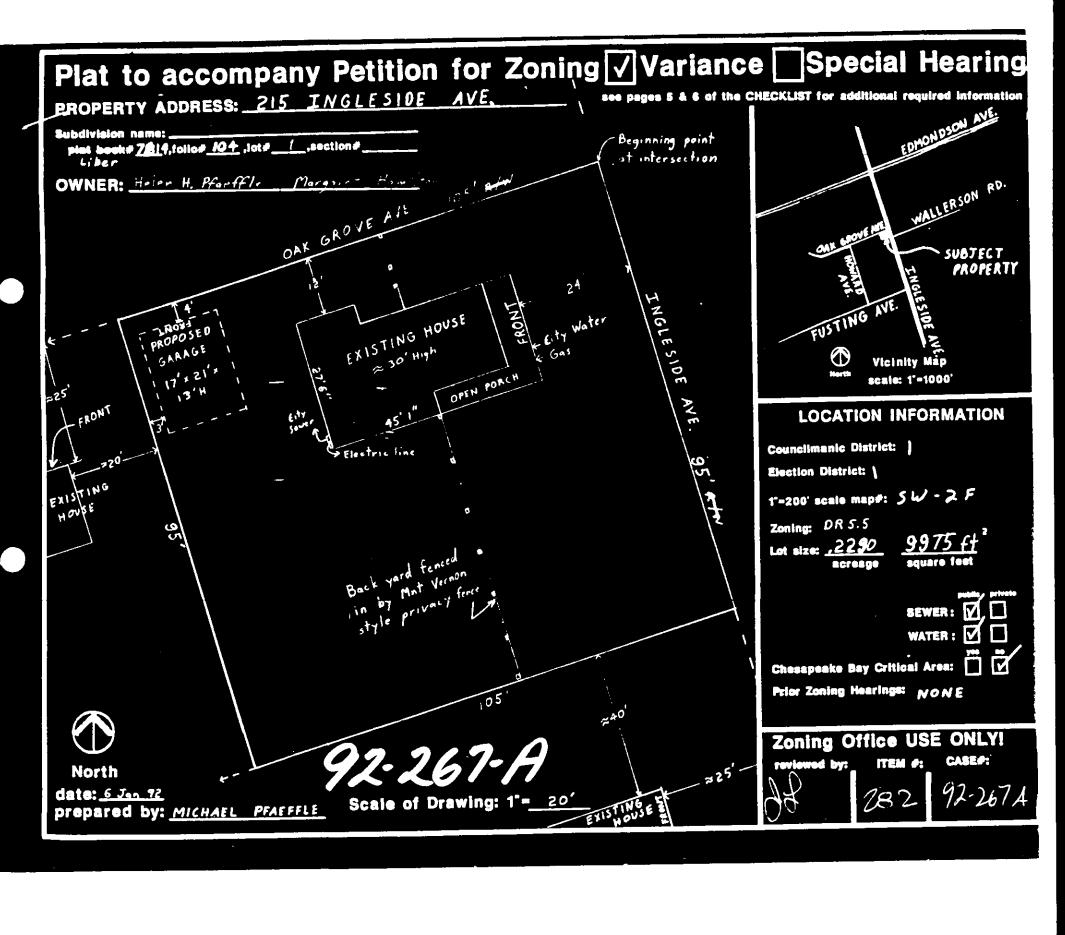
on January 2, 1992, I George Bishop of 4 Oak Grove Rd. spoke with Michael Pfaeffle of 215 Ingleside, about his wish to build a garage at the back corner of his property. After reviewing the proposed location (setbacks) and general design, I approve of his plans. I have no objections to his desire to build the garage.

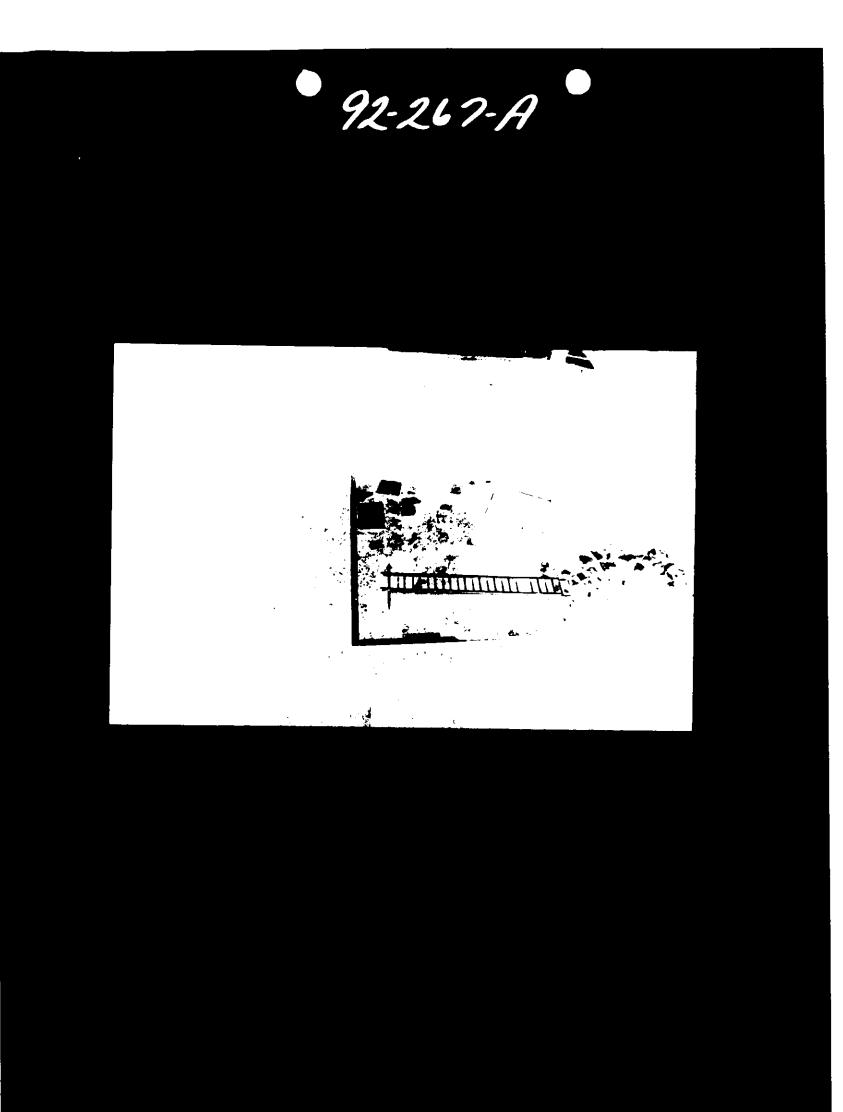


Garage design: dimensions- 17'W x 21'D x 13'H exterior - vinyl./alum. siding

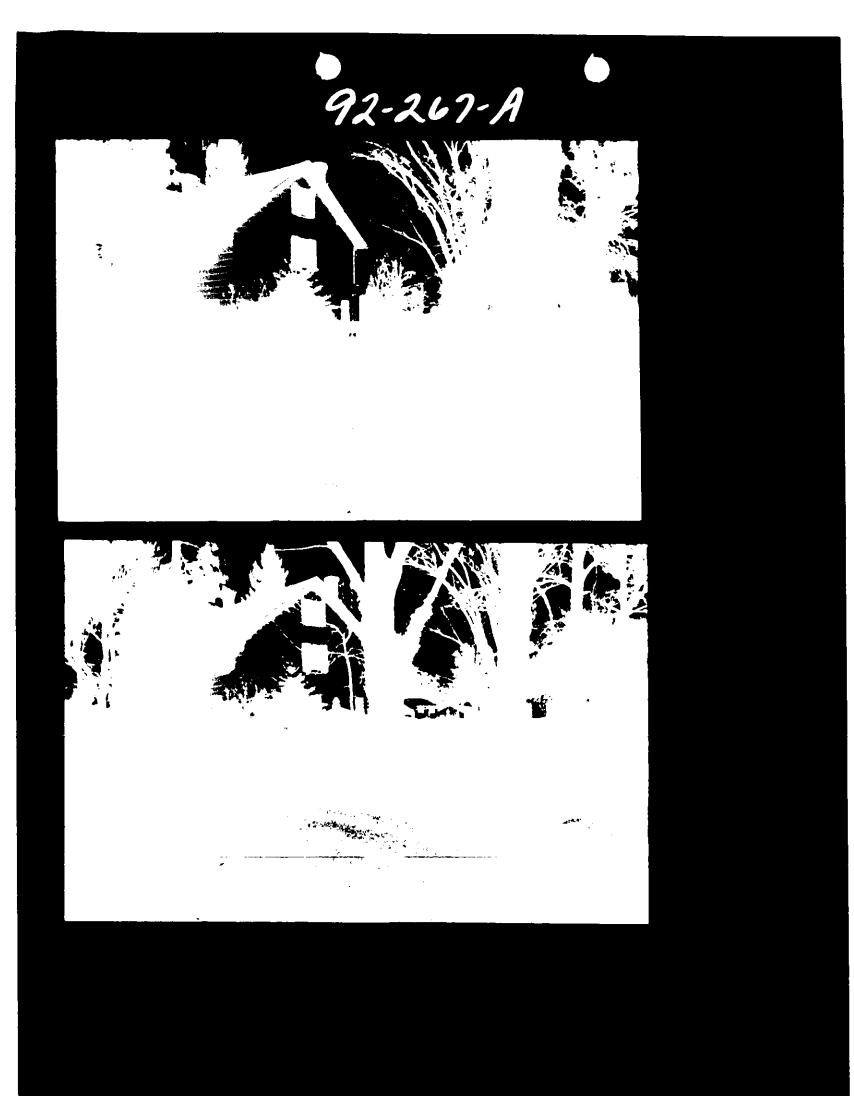
close to matching existing house design setbacks - 4' in from Oak Grove property line and 3' in from back property line style - gable roof design

RWB:s













PREPARED BY AIR PHOTOGRAPHICS, INC.

MARTINSBURG, W.V. 25401

JANUARY